

Bill No. 33-12
Concerning: Health and Sanitation –
Smoking – County Property
Revised: 2/12/2013 Draft No. 3
Introduced: November 27, 2012
Enacted: February 12, 2013
Executive: February 25, 2013
Effective: May 27, 2013
Sunset Date: None
Ch. 5, Laws of Mont. Co. 2013

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Floreen, Navarro, Rice, Riemer, Leventhal, Elrich, and Andrews

AN ACT to:

- (1) prohibit smoking on property owned or leased by the County; and
- (2) generally amend County law on smoking.

By amending

Montgomery County Code
Chapter 24, Health and Sanitation
Section 24-9

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

20 laboratory, or office of any physician, dentist, psychologist,
 21 psychiatrist, physiologist, podiatrist, optometrist or optician.

22 **[(4)]** Person~~[[[: Any]]~~ means any individual, firm, partnership,
 23 association, corporation, company, or organization of any kind.

24 **[(5)]** Public place~~[[[: An]]~~ means an enclosed area in which members
 25 of the public are normally invited or permitted.

26 **[(6)]** Public meeting~~[[[: Any]]~~ means any meeting wherever held, open
 27 to the public with no membership requirement.

28 **[(7)]** Rail transit station~~[[[: An]]~~ means an area that:

29 **[(A)]** (1) Includes the fare-paid and roofed areas;

30 **[(B)]** (2) is a regular stopping place for the pickup and
 31 discharge of passengers in regular route service, contract
 32 service, or special or community type service; and

33 **[(C)]** (3) Is owned, operated, or controlled by the Washington
 34 Metropolitan Area Transit Authority.

35 **[(8)]** Retail store~~[[[: Any]]~~ means any establishment whose primary
 36 purpose is to sell merchandise or food for consumption off the
 37 premises, directly to consumers.

38 **[(9)]** Smoking~~[[[: The]]~~ means the act of lighting, smoking, or carrying
 39 a lighted or smoldering cigar, cigarette, or pipe, of any kind.

- 60 (5) In up to 40% of the sleeping rooms in a hotel or motel; ~~[[and]]~~
- 61 (6) In up to 40% of the premises of a fraternal, religious, patriotic, or
- 62 charitable organization or corporation or fire company or rescue
- 63 squad during an event that the organization or corporation holds
- 64 on its own property and which is open to the public~~[[.]]~~;
- 65 (7) In the bar and dining area of an eating and drinking establishment
- 66 that:
- 67 (A) is a club as defined in the state alcoholic beverages law:
- 68 (B) has an alcoholic beverages license issued to private clubs
- 69 under the state alcoholic beverages law; and
- 70 (C) allows consumption of alcoholic beverages on its
- 71 premises~~[[.]]~~;
- 72 (8) In any occupied residential unit owned or leased by the County
- 73 for as long as the occupant on May 27, 2013 retains possession of
- 74 the unit;
- 75 (9) On a golf course; and
- 76 (10) In an area designated by the Director of the Department of Health
- 77 and Human Services under subsection (d).
- 78 (d) Notwithstanding paragraph (b)(11), the Director of the Department of
- 79 Health and Human services may designate an outside area on property

80 that is owned or leased by the County where smoking is allowed if the
81 Director finds that a complete prohibition on that property would
82 impede a program's mission or effective delivery of services.

83 ~~[(d)]~~ (e) Posting signs.

84 (1) ~~[[Signs]]~~ Except as provided in paragraph (e)(4), signs
85 prohibiting or permitting smoking, as the case may be, must be
86 posted conspicuously at each entrance to a public place covered
87 by this Section.

88 * * *

89 (4) The Director of Health and Human Services may waive the
90 requirement of paragraph (e)(1) on County property, or require a
91 sign to be posted in another location, if the Director finds, after
92 consulting with the Director of General Services, that posting a
93 sign at an entrance is not feasible.

94 ~~[(e)]~~ (f) * * *

95 ~~[(f)]~~ (g) * * *

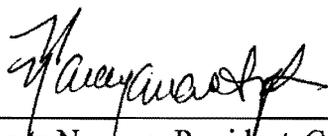
96 ~~[(g)]~~ (h) * * *

97 ~~[(h)]~~ (i) * * *

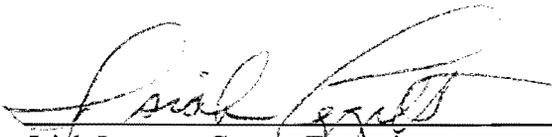
98 ~~[(i)]~~ (j) * * *

99 [(j)] (k) * * *

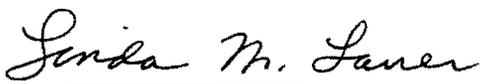
100 *Approved:*

101  Feb 13, 2013
Nancy Navarro, President, County Council Date

102 *Approved:*

103  Feb 25, 2013
Isiah Leggett, County Executive Date

104 *This is a correct copy of Council action.*

105  2/25/13
Linda M. Lauer, Clerk of the Council Date